

**Remarks**

Favorable reconsideration of this application, in view of the above-amendments and in light of the following remarks and discussion, is respectfully requested.

Applicants respectfully request entry of this response, as the response places the application in clear condition for allowance, or alternatively at least places the claims in better form for appeal. Upon entry of this response, Claims 1-6 and 8-16 are pending; independent Claims 1 and 10-12 having been presently amended.

Initially, Applicants respectfully request clarification regarding the indication in the Office Action Summary that some certified copies of the priority documents have been received. Specifically, Applicants respectfully request that the next Patent Office communication provide a list of certified copies not received.

In the outstanding Office Action, Claims 1-5, 8-10, 12, and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,813,571 to Gaucher. Claims 6, 11, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gaucher in view of U.S. Patent No. 6,308,862 to Fillmore et al. (Fillmore). Applicants respectfully assert that the amendments to the claims have overcome the rejections for the following reasons.

As stated above, each of independent Claims 1 and 10-12 has been amended. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

The present invention is directed to bags adapted to contain a product of liquid to pasty consistency, as well as packaging and dispensing units. Independent Claims 1, 10, and 11 each recite a bag including a wall having a first portion and a second portion. The second portion has a thickness greater than the first portion. The second portion

has means for attaching to a pump, means for attaching to a casing for surrounding the bag, and means for attaching to a cap for covering the pump. Independent Claim 12 recites a bag including a first body portion having a first thickness, and a second body portion disposed adjacent the first body portion and having a second thickness that is greater than the first thickness. The second body portion includes an annular portion adapted to releasably retain a cover for surrounding the bag, a neck portion adapted to retain a pump, and a shoulder portion disposed between the annular portion and the neck portion, the shoulder portion including a groove adapted to releasably retain a cap for covering the pump. Examples of numerous advantages of the recited features are discussed throughout the specification.<sup>1</sup>

Gaucher is directed to a device for packaging a product with a support ring for a manual pump. As shown in the figures of Gaucher, a packaging and dispensing device comprises a deformable inner container 1. By means of an open neck 2 and its flared rim 3, the pouch 1 is secured in a leaktight manner to an outer face of a rigid annular ring 4. The assembly constituted by the pouch 1 and the ring 4 can be introduced into a bottle 9 and fastened in the neck 10 of the bottle 9 by forcible elastic snap-fastening of projections 5a of the ring 4 into hollows 10b of the neck 10. The device also includes a manual pump 11, which is fastened on the ring 4.<sup>2</sup>

With regard to independent Claims 1 and 10, Applicants respectfully assert that Gaucher does not teach the claimed features of a bag including means for attaching to a pump, means for attaching to a casing, and means for attaching to a cap for covering the pump, as recited in the independent claims. In particular, Applicants respectfully assert that Gaucher does not state that the pouch 1 attaches to the bottle 9, but rather Gaucher

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<sup>1</sup> Please see, for example, page 2, lines 15-23, of the English language translation of the original French language application.

<sup>2</sup> From Column 6, line 32 to Column 7, line 25.

states that the ring 4 attaches to the bottle 9. Further, Gaucher does not state that the pouch 1 attaches to a cap for covering the pump 11.

The means for  
attaching to the pump 9.

Specifically, independent Claim 1 recites "the second portion . . . having means for attaching to the pump, means for attaching to a casing for surrounding the bag, and means for attaching to a cap for covering the pump." Independent Claim 10 recites "the second portion . . . having means for attaching to the pump, means for attaching to the casing for surrounding the bag, and means for attaching to a cap for covering the pump." Thus, Applicants respectfully request that the rejection of independent Claims 1 and 10 under 35 U.S.C. § 102(b) be withdrawn and the independent claims allowed.

With regard to independent Claim 12, Applicants respectfully assert that Gaucher does not teach the claimed features of a bag including an annular portion adapted to releasably retain a cover for surrounding the bag, a neck portion adapted to retain a pump, and a shoulder portion including a groove adapted to releasably retain a cap for covering the pump, as recited in the independent claim. In particular, Applicants respectfully assert that Gaucher does not state that the pouch 1 includes an annular portion to retain the bottle 9, but rather states that the ring 4 attaches to the bottle 9. Further, Gaucher does not state that the pouch 1 includes a groove to retain a cap for covering the pump 11.

Specifically, independent Claim 12 recites "an annular portion adapted to releasably retain a cover for surrounding the bag . . .[,] a neck portion adapted to retain a pump . . .[,] and a shoulder portion . . . including a groove adapted to releasably retain a cap for covering the pump." Thus, Applicants respectfully request that the rejection of independent Claim 12 under 35 U.S.C. § 102(b) be withdrawn and the independent claim allowed.

With regard to independent Claim 11, for the reasons discussed in detail above

Applicants respectfully assert that Gaucher does not teach or suggest the claimed features of a bag including means for attaching to a pump, means for attaching to a casing, and means for attaching to a cap for covering the pump, as recited in the independent claim. Specifically, independent Claim 11 recites “the second portion . . . having means for attaching to the pump, means for attaching to a casing for surrounding the bag, and means for attaching to a cap for covering the pump.”

The Office Action relies on Fillmore in an attempt to remedy the deficiencies of Gaucher. However, Applicants respectfully assert that Fillmore does not teach or suggest, and the Office Action does not assert or rely on Fillmore to teach or suggest the claimed features of a bag including means for attaching to a pump, means for attaching to a casing, and means for attaching to a cap for covering the pump, as recited in independent Claim 11.

Thus, Applicants respectfully assert that neither Gaucher nor Fillmore, whether taken alone or in combination, teaches or suggests the claimed features recited in independent Claim 11. Thus, Applicants respectfully request that the rejection of independent Claim 11 under 35 U.S.C. § 103(a) be withdrawn and the independent claim allowed.

Dependent Claims 2-6, 8, 9, and 13-16 are also allowable for at least the same reasons as the independent claims from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejections of dependent Claims 2-6, 8, 9, and 13-16 under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn and the dependent claims allowed.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be

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in condition for formal Allowance. A Notice of Allowance for Claims 1-6 and 8-16 is earnestly solicited.


Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Customer Number  
**22850**

Tel #: (703)413-3000  
Fax #: (703)413-2220  
GJM/CDW/PH/me

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C. 11-20-03

 (Philip J. Hoffmann)  
+46,340  
Gregory J. Maier  
Registration No. 25,599  
Attorney of Record  
Christopher D. Ward  
Registration No. 41,367

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